HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.31985 of 1997

Dated 12th Day of February, 2007

Between:

Sane Rami Reddy
and two others ..
Petitioners

And

The District Collector, Anantapur
and two others ..
Respondents

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O R D E R:

This writ petition is filed seeking a mandamus to declare the notification and declaration issued under Sections 4(i) and 6 of the Land Acquisition Act (for brevity "the Act") by way of publication in Eenadu Daily dated 27.2.1997 and District Gazette ART 193/97 dated 23.6.1997, as arbitrary and illegal.

The brief facts of the case are that the petitioners own an extent of Ac.01.00 cents of land in S.No.1185/2 situated at Machireddypalli, Kadiri Mandal, Anantapur District. The 1st respondent issued the notification proposing to acquire the land in question for the purpose of providing house-sites to weaker sections of the village. The District Collector, in exercise of the powers conferred on him under Section 4(2) of the Act delegated the authority to the Revenue Divisional Officer for conducting enquiry under Section 5(A) of the Act. In fact, the Government, in G.O.Ms.No.1888 Revenue (k) dated 31.12.1984, states that the District Collectors shall exercise all the powers conferred and discharge all the duties imposed on the State Government under Section 17 of the Act for the purpose of acquisition of land, but the notification issued by the 1st respondent does not trace its powers with reference to G.O.Ms.No.1888 and therefore, he has no power or jurisdiction to issue a declaration under Section 6 of the Act.

Heard the learned counsel for both the parties.

Admittedly, an award was passed on 30.8.1997 and a notice

under Section 12(2) of the Act was sent to the petitioners by Registered Post with Acknowledgement Due. In fact, when the award was passed, this Court should not have entertained this writ petition. However, Rule Nisi was ordered and stay of dispossession was granted, but this interim order does not confer any valid right on the petitioners. In fact, from the narration of events it is clear that everything was done only in accordance with the provisions of the Act. Of course, the contentions put forth by the learned counsel for the petitioners that the petitioners are landless poor persons and alternative government lands are available, are totally denied by the respondents in their counter affidavit.

For the foregoing reasons, this Court has no option, but to dismiss the writ petition and accordingly, the same is dismissed. No costs.

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12.02.2007

bcj